

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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SEVENTY-THIRD LEGISLATIVE DAY  
WEDNESDAY, MARCH 21, 2012

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators LeFavour, and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Alexa Woodland, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 20, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Pearce was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed Senator Andreason, Chairman and Senators McKague, and Bock to escort the Consul General of Canada, Denis Stevens, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Consul General Stevens for his remarks and Senators Andreason, McKague, and Bock escorted him from the Chamber, and the Committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

Senator LeFavour was recorded present at this order of business.

March 21, 2012

The JUDICIARY AND RULES Committee reports that [S 1408](#) has been correctly printed.

DARRINGTON, Chairman

[S 1408](#) was referred to the Finance Committee.

March 20, 2012

The FINANCE Committee reports out [S 1404](#), [S 1405](#), and [S 1406](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1404](#), [S 1405](#), and [S 1406](#) were filed for second reading.

March 20, 2012

The TRANSPORTATION Committee reports out [H 583](#) with the recommendation that it do pass.

HAMMOND, Chairman

[H 583](#) was filed for second reading.

March 20, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 653](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

CORDER, Chairman

[H 653](#) was filed for second reading.

March 20, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 515](#), as amended, [H 584](#), as amended, and [H 634](#) with the recommendation that they do pass.

CORDER, Chairman

[H 515](#), as amended, [H 584](#), as amended, and [H 634](#) were filed for second reading.

March 20, 2012

The HEALTH AND WELFARE Committee reports out [H 551](#) and [H 631](#), as amended, with the recommendation that they do pass.

LODGE, Chairman

[H 551](#) and [H 631](#), as amended, were filed for second reading.

March 21, 2012

The STATE AFFAIRS Committee reports out [S 1383](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1383](#) was referred to the Fourteenth Order of Business, General Calendar.

March 21, 2012

The STATE AFFAIRS Committee reports out [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [HJM 13](#), and [HCR 46](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 443](#), [H 479](#), as amended, [H 577](#), and [H 599](#) were filed for second reading.

[HJM 13](#) and [HCR 46](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1214](#), [S 1215](#), as amended, [S 1265](#), [S 1266](#),  
[S 1292](#), [S 1312](#), [S 1226](#), [S 1227](#), [S 1228](#),  
[S 1259](#), [S 1272](#), [S 1225](#), [S 1232](#), [S 1236](#),  
[S 1268](#), [S 1277](#), as amended, [S 1278](#), [S 1301](#),  
and [S 1324](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 20, 2012

Dear Mr. President:

I transmit herewith [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#),  
[H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 486](#), as amended, as  
amended, [H 639](#), as amended, and [H 628](#), as amended, which  
have passed the House.

ALEXANDER, Chief Clerk

[H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#),  
[H 680](#), [H 681](#), [H 486](#), as amended, as amended, [H 639](#), as  
amended, and [H 628](#), as amended, were filed for first reading.

March 20, 2012

Dear Mr. President:

I return herewith [S 1274](#), as amended in the House, which  
has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Hammond, granted by unanimous consent, [S 1274](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 20, 2012

Dear Mr. President:

I return herewith [S 1360](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1360](#) was referred to the Judiciary and Rules Committee for enrolling.

March 20, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 622](#), [H 579](#), [H 541](#), and  
[H 420](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 622](#), [H 579](#), [H 541](#), and  
[H 420](#) and ordered them returned to the House.

March 20, 2012

Dear Mr. President:

I return herewith Enrolled [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#),  
[S 1354](#), [S 1359](#), [S 1361](#), [S 1367](#), [S 1260](#), [S 1261](#), [S 1262](#), [S 1273](#),  
[S 1289](#), [S 1290](#), [S 1291](#), [S 1298](#), [S 1299](#), [S 1307](#), [S 1314](#), [S 1319](#),  
[S 1323](#), as amended, [S 1332](#), [S 1335](#), [S 1340](#), [S 1346](#), [S 1368](#),  
[S 1375](#), [S 1376](#), [S 1377](#), [S 1381](#), [S 1382](#), and [S 1384](#), which have  
been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#), [S 1359](#),  
[S 1361](#), [S 1367](#), [S 1260](#), [S 1261](#), [S 1262](#), [S 1273](#), [S 1289](#), [S 1290](#),  
[S 1291](#), [S 1298](#), [S 1299](#), [S 1307](#), [S 1314](#), [S 1319](#), [S 1323](#), as  
amended, [S 1332](#), [S 1335](#), [S 1340](#), [S 1346](#), [S 1368](#), [S 1375](#),  
[S 1376](#), [S 1377](#), [S 1381](#), [S 1382](#), and [S 1384](#) were referred to  
the Judiciary and Rules Committee for transmittal to the Office  
of the Governor.

March 21, 2012

Dear Mr. President:

I return herewith Enrolled [SCR 133](#), which has been signed  
by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 133](#) was referred to the Judiciary and Rules  
Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced that the Education Committee report relative to the Gubernatorial reappointment of Milford Terrell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Malepeai, the Gubernatorial reappointment of Milford Terrell as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Julie D. DeLorenzo was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Stennett, the Gubernatorial appointment of Julie D. DeLorenzo as a member of the Idaho Transportation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the House amendments to [S 1274](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1274](#), as amended in the House?"

On request by Senator Hammond, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1274](#), as amended in the House.

[S 1274](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

#### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

#### Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [H 564](#), as amended, and [S 1383](#), without recommendation, amended as follows:

#### SENATE AMENDMENT TO H 564, As Amended

##### AMENDMENT TO SECTION 2

On page 5 of the engrossed bill, delete lines 3 and 4, and insert:

"tation due to a voluntary separation from employment or the employee's refusal to sign such documents, relating to the job performance by the applicant; and. Upon separation of employment, all documents from any other file, including an investigative file, shall be moved into the personnel file. The requirement to submit investigative files to the personnel file shall not be construed to be a waiver of the attorney client privilege. Names of any student, fellow employee or complainant, other than the employee's administrative supervisor or administrative author shall be redacted from investigative file documents prior to placement in the personnel file. The former employee shall be provided a copy of the documents and written notice of the inclusion of the information in the personnel file to the former employee's last known address. The former employee shall be permitted the opportunity to file a rebuttal to the new documents placed into the personnel file. If an ongoing personnel investigation was taking place, the contents of the district's investigative file shall be forwarded to the professional standards commission when the district submits the report required pursuant to section 33-1208A, Idaho Code."

On page 6, delete lines 5 through 19, and insert:

"(7) School districts may employ applicants on a conditional basis pending the district's review of information

obtained under this section noncontracted provisional basis pursuant to the provisions of this section. Once the prior employer personnel performance materials have arrived for an individual provisionally hired, the district must review the documents within thirty (30) days of receipt. A standard certificated contract shall automatically be issued at the end of the thirty (30) day review period unless, prior to the expiration of the thirty (30) day period, the board articulates in writing the specific information received pursuant to subsection (2)(a) of this section, which justifies the decision not to issue a standard contract. The reason articulated in this decision must derive only from the documents received in the personnel file and cannot be based upon any event that has occurred during the status as a noncontracted provisional certified professional employee. Prior to issuing a standard certificated contract or prior to the decision not to issue a standard certificated contract, or upon the expiration of the thirty (30) day period, an individual employed as a noncontracted provisional certificated professional employee shall be provided with the same compensation and benefits as if the employee had been employed on a standard certificated contract. When requests are sent to out-of-state employers under subsection".

#### CORRECTION TO TITLE

On page 1, delete lines 13 and 14, and insert: "PROVISIONS RELATING TO A HIRING DISTRICT'S REQUEST, TO REMOVE LANGUAGE RELATING TO SCHOOL DISTRICTS' EMPLOYMENT OF APPLICANTS ON A CONDITIONAL BASIS, TO PROVIDE THAT SCHOOL DISTRICTS MAY EMPLOY APPLICANTS ON A NONCONTRACTED PROVISIONAL BASIS, TO PROVIDE FOR".

#### SENATE AMENDMENT TO S 1383

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 29, following "aqueducts" insert: ", while responsible for their own acts or omissions,"; and in line 35, following "phenomenon." insert: "The provisions of this section shall not be construed to impair any defense that an owner or constructor of a ditch, canal, works or other aqueduct may assert in a civil action."

##### AMENDMENT TO SECTION 2

On page 2, in line 10, following "aqueducts" insert: ", while responsible for their own acts or omissions,".

#### CORRECTION TO TITLE

On page 1, in line 5, delete "OWNERS AND" and insert: "OWNERS,"; and in line 7, following "INJURIES" insert: "AND TO PROVIDE THAT SPECIFIED LAW SHALL NOT BE CONSTRUED TO IMPAIR ANY DEFENSE THAT AN OWNER OR CONSTRUCTOR OF A DITCH, CANAL, WORKS OR OTHER AQUEDUCT MAY ASSERT IN A CIVIL ACTION".

The Committee also has [S 1282](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

[S 1383](#) was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 564](#), as amended, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 3 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 3 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Corder, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 21, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 564](#), as amended, and [S 1383](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 21, 2012

The JUDICIARY AND RULES Committee reports that [S 1274](#), as amended in the House, and [S 1383](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1274](#), as amended in the House, and [S 1383](#), as amended, were filed for first reading.

March 21, 2012

The TRANSPORTATION Committee reports out [H 414](#) with the recommendation that it do pass.

HAMMOND, Chairman

[H 414](#) was filed for second reading.

March 21, 2012

The TRANSPORTATION Committee reports out [HCR 49](#) with the recommendation that it do pass.

HAMMOND, Chairman

[HCR 49](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 21, 2012

The JUDICIARY AND RULES Committee reports out [H 648](#) and [H 651](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 648](#) and [H 651](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

March 21, 2012

Dear Mr. President:

I return herewith [S 1388](#), [S 1389](#), [S 1391](#), [S 1392](#), [S 1338](#), [S 1341](#), [S 1231](#), as amended, [S 1313](#), [S 1327](#), [S 1328](#), [S 1329](#), [S 1356](#), as amended, [S 1321](#), as amended, [S 1337](#), as amended, [S 1286](#), [S 1304](#), and [S 1255](#), as amended, as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1388](#), [S 1389](#), [S 1391](#), [S 1392](#), [S 1338](#), [S 1341](#), [S 1231](#), as amended, [S 1313](#), [S 1327](#), [S 1328](#), [S 1329](#), [S 1356](#), as amended, [S 1321](#), as amended, [S 1337](#), as amended, [S 1286](#), [S 1304](#), and [S 1255](#), as amended, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 21, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), [H 532](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), [H 532](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, and ordered them returned to the House.

Senator Corder was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1409

#### BY FINANCE COMMITTEE

#### AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND PROVIDING LEGISLATIVE INTENT FOR THE IDAHO GLOBAL ENTREPRENEURIAL MISSION.

#### S 1410

#### BY FINANCE COMMITTEE

#### AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING A NON-GENERAL FUND SUPPLEMENTAL APPROPRIATION TO THE EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2012; PROVIDING A NON-GENERAL FUND SUPPLEMENTAL APPROPRIATION TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2012; STATING FUND SOURCES FOR THE APPROPRIATION TO EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS FOR THE



TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2013; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2013; AMENDING SECTION 33-1004E, IDAHO CODE, TO ADJUST BASE AND MINIMUM SALARIES; PROVIDING THAT THE FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING FOR A \$7,500,000 REDUCTION IN TRANSPORTATION COSTS AND DIRECTING THOSE FUNDS TO DISCRETIONARY FUNDS; PROVIDING THAT \$4,381,400 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS; DIRECTING THE USE OF \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF \$9,400,000 FOR READING AND MATH INITIATIVES, AND REMEDIATION; DIRECTING THE USE OF \$4,000,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$5,031,000 FOR THE IDAHO DIGITAL LEARNING ACADEMY; PROVIDING THAT NO MONEYS BE APPROPRIATED FOR EXPECTANT OR DELIVERED MOTHERS PROGRAMS; DIRECTING THE USE OF \$2,500,000 FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THAT CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION ON THE DUAL ENROLLMENT PROGRAM; GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013; AND DECLARING AN EMERGENCY.

[S 1409](#) and [S 1410](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 564](#), as amended, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[S 1274](#), as amended in the House, by Transportation Committee, was read the first time at length and filed for second reading.

[S 1383](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), and [H 681](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 486](#), as amended, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 639](#), as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 628](#), as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[H 657](#), [H 658](#), [H 659](#), [H 664](#), and [H 665](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1401](#), [S 1402](#), and [S 1403](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 572](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 591](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 613](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[S 1395](#) and [S 1372](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 619](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1243](#), as amended in the House, as amended in the House, by Transportation Committee, was read the second time at length and filed for third reading.

[S 1390](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

### Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1390](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1390](#), as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll,

Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1390](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1390](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

#### **Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1372](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1372](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1372](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1372](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1393](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1393](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1394](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1394](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1396](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1396](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1397](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1397](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1398](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1398](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1399](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1399](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [H 588](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1400](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1400](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 439](#), as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll,

Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 439](#), as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 603](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 603](#) passed, title was approved, and the bill ordered returned to the House.

[H 626](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 626](#) passed, title was approved, and the bill ordered returned to the House.

[H 607](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 607](#) passed, title was approved, and the bill ordered returned to the House.

[H 645](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 645](#) passed, title was approved, and the bill ordered returned to the House.

[H 487](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 487](#) passed, title was approved, and the bill ordered returned to the House.

[H 632](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Darrington disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 632](#) passed, title was approved, and the bill ordered returned to the House.

### **Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1395](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1395](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1395](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Goedde disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1395](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 593](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 593](#) passed, title was approved, and the bill ordered returned to the House.

[H 633](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 633](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.



**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:10 p.m. until the hour of 9 a.m., Thursday, March 22, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary